

REMARKS

Favorable reconsideration of applicants' pending claims is respectfully requested in view of the above amendments and following remarks. Following the amendments, claims 2-5, 10, 17, 19, 20 and 22-27 are pending in the application, with claims 19 and 20 being in independent format.

Applicants wish to thank the Examiner for the helpful telephone interview with their representative, Janet Sleath, on April 13, 2011.

Independent claims 19 and 20 have been amended to clarify that the recited liner terminates distally at an intersect area located proximal to a distal end of the torque tube. It is urged that support for these amendments can be found in Fig. 3 of the application, and throughout the specification as originally filed, and that these amendments do not constitute new matter.

Applicants specifically reserve the right to pursue claims to any subject matter that may have been cancelled from the claims by the above amendments in one or more related applications.

Claim rejections under 35 USC §102

Claims 2-5, 10, 17, 19, 20, 24 and 26 stand rejected under 35 USC §102(b) as being anticipated by US Patent 6,080,170 to Nash et al. This rejection is respectfully traversed.

The present application discloses and claims an aspirating catheter device having a liquid seal assembly that provides an air-tight, substantially friction-free seal around a rotatable torque tube (e.g., a high speed rotational driveshaft) operating in proximity to an area of high vacuum. More specifically, the pending claims are directed to devices that use a liquid-filled liner as a sealing assembly at sealing sites, thereby eliminating the need to use conventional sealing mechanisms and providing an air-tight, substantially friction-free seal around the rotating torque tube.

Nash et al. disclose a device for revascularising occluded blood vessels including an atherectomy catheter having a working head and a debris extraction system. The reference states that the atherectomy catheter "is in the form of an elongated flexible tubular body member or

jacket at the free or distal end of which is located a rotatable working head” (col. 6, line 66 – col. 7, line 2), and that “the atherectomy catheter 22 is guided through the vascular system of the patient by the guide catheter 24” (col. 7, lines 9-14). The Examiner asserts that catheter jacket 34 of atherectomy catheter 22 and guide catheter 24 of Nash et al. are equivalent to the presently claimed liner and catheter, respectively, and that the distal end of guide catheter 24 is capable of being positioned distal to an intersect area positioned at the distal end of catheter jacket. The Examiner concludes that “Nash discloses of the structural components, capability of being positioned as claimed, and the intended functions, therefore meeting all the requirements of claims 19 and 20.” Applicants respectfully disagree with the Examiner’s position and in particular note that, unlike the presently claimed invention, the device of Nash et al. would not be effective in providing an air-tight, substantially friction-free seal around the rotating torque tube.

In order to expedite prosecution, independent claims 19 and 20 have been amended to state that the liner terminates distally at an intersect area positioned proximal to the distal end of the torque tube. As clearly shown in Fig. 3 of Nash et al., the distal end of catheter jacket 34 is not positioned proximal to the distal end of drive cable 42. Thus Nash et al. do not teach or suggest all the features of independent claims 19 and 20.

For at least the reasons discussed above, it is urged that Nash et al. do not teach or suggest the presently claimed subject matter and that the rejection of claims 2-5, 10, 17, 19, 20, 24 and 26 under 35 USC §102(b) can thus be properly withdrawn.

Claim rejections under 35 USC §103

Claims 22, 23, 25 and 27 stand rejected under 35 USC §103(a) as being unpatentable over Nash et al., either alone or in combination with US Patent 6,258,052 to Milo et al. This rejection is respectfully traversed.

The teachings of Nash et al. are discussed above. Milo et al. disclose a guidewire for crossing vascular occlusions comprising a guidewire shaft, a drive member rotatably disposed within and along a longitudinal axis of the guidewire shaft, an actuator connected to a proximal end of the drive member, and an asymmetrical rotating tip attached to a distal end of the drive member. The reference teaches that the guidewire shaft may include a coiled wire and a

polymeric tube formed, for example, from polyimide or heat shrinkable TEFLON. Milo et al. do not overcome the deficiencies of Nash et al. discussed above.


It is submitted that neither Nash et al. nor Milo et al., taken either singly or in combination, would have rendered the subject matter of claims 22, 23, 25 and 27 obvious to one of skill in the art at the time the present invention was made, and that this rejection under 35 USC §103(a) can therefore be properly withdrawn.

Concluding Remarks

Every effort has been made to put the pending claims in condition for allowance. Early reconsideration and allowance of the subject application is respectfully requested.

Should the Examiner have any further concerns regarding the subject application, she is respectfully invited to telephone Janet Sleath or Ann Speckman at 206.382.1191

Respectfully submitted,


Janet Sleath
Registration No. 37,007

Date: April 26, 2011

SPECKMAN LAW GROUP PLLC

20601